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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,028	11/26/2001	Chandrasekharan Seetharaman	BEA920010028US1	9618

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EXAMINER	
SCUDERI, PHILIP S	
ART UNIT	PAPER NUMBER
2153	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/995,028	SEETHARAMAN ET AL.	
	Examiner	Art Unit	
	Philip S. Scuderi	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 March 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-8,10-14 and 16-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-8,10-14 and 16-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

I. 35 U.S.C. § 112

The rejections under §112 set forth in the last office action have been withdrawn because the rejections have been overcome by amendment.

II. 35 U.S.C. § 103

Applicant's arguments filed 07 March 2007 have been considered but they are not fully persuasive.

1. Applicant argues that there is no teaching, suggestion, or motivation in the prior art references to combine them in the manner alleged by the examiner.

The examiner concedes that there is not adequate motivation to combine the references as indicated in the last office action. However, there is adequate motivation to combine the references in the opposite order.

For example, Imamura teaches a method for accessing storage media, but does not disclose that the storage media is accessible over a network. Imamura's established access rights are therefore not "access rights of said [two or more] nodes to said storage media" as recited in claim 1. However, it was well known in the art to provide two or more nodes access to storage media over a network, as evidenced by Blumenau.

In a similar art, Blumenau teaches a system that provides two or more nodes (12, 14) access to storage media (38) [see, e.g., figs. 1A-C, 3]. It would have been obvious to one of ordinary skill in

the art to provide two or more nodes with access to Imamura's storage media over a network because doing so would provide advantages such as decreasing storage costs.

2. Applicant argues that claims 4, 5, 11, and 12 claim "a type field to indicate node ownership or cluster ownership, respectively" and that the prior art does not teach these elements.

The examiner disagrees.

The elements that applicant is alleging the prior art does not teach are not recited in the claims. Claims 4, 5, 11, and 12 are riddled with "if" statements that do not limit the claims to actually requiring the succeeding limitations. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

For example, claim 4 recites "if said type field indicates said storage media is node-owned" (emphasis added). Because of the term "if" the claim does not limit the type field to actually indicating that said storage media is node-owned. Imamura's type field is a serial number that is unique to a storage device [see Imamura at column 5, lines 6-13]. It follows that the serial number inherently identifies the type of storage device. The serial number is therefore a "type" field as claimed.

3. Applicant argues that claims 19 and 20 should be allowed because the examiner used a double negative. Applicant concludes that the prior art does not teach every claim limitation.

The examiner disagrees.

The examiner's use of a double negative was merely a clerical mistake. Again, these claims are riddled with "if" statements that do not limit the claims to actually requiring the succeeding

limitations. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim 19 recites "if a type field in said label indicates said storage media is node-owned" (emphasis added). Because of the term "if" the claim does not limit the label to including a type field that actually indicates that said storage media is node-owned. The claim additionally recites a "node identifier" that is not required to meet the claim for the same reasons.

Claim 20 has also recites a type field and a cluster identifier that are part of an "if" statement and are therefore not required to meet the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3-8, 10-14, and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Imamura (U.S. Pat. No. 6,604,153) in view of Blumenau (U.S. Pat. No. 6,845,395).

As to claim 1, Imamura teaches a method for accessing storage media comprising:

reading a storage media label (security information) in response to an access request to storage media [see column 5, lines 62-65];

obtaining a hardware identifier (device identifier) from said storage media [see column 5, lines 62-65];

comparing said hardware identifier (device identifier) of said storage media with a hardware identifier field (device identifier) of said label (security information) [see column 6, lines 7-11];

establishing access rights to said storage media [see column 6, lines 7-11]

the step of establishing access rights is responsive at least in part to a hard attribute (device identifier) of said storage media [see column 5, lines 62-65]

wherein said hard attribute (device identifier) includes said hardware identifier field having a serial number [see column 5, lines 6-13]; and

accessing said storage media according to said access rights [see column 6, lines 12-15].

Imamura does not disclose that the storage media is accessible over a network. Imamura's established access rights are therefore not "access rights of said [two or more] nodes to said storage media" as recited in claim 1. However, it was well known in the art to provide two or more nodes access to storage media over a network, as evidenced by Blumenau.

In a similar art, Blumenau teaches a system that provides two or more nodes (12, 14) access to storage media (38) [see, e.g., figs. 1A-C, 3]. It would have been obvious to one of ordinary skill in the art to provide two or more nodes with access to Imamura's storage media over a network because doing so would provide advantages such as decreasing storage costs.

Regarding claim 3, Imamura teaches that the label (device identifier) includes said hard attribute (serial number), a type field (serial number inherently identifies the type of storage device). The serial number identifies the storage device (Imamura, column 5, lines 6-13), which is a node is Blumenau's system (Blumenau, figure 3).

Regarding claim 4, the type field does not indicate said storage media is node-owned.

Regarding claim 5, the cluster identifier does not indicate said storage media is cluster-owned.

Regarding claim 6, Blumenau teaches that a label includes an activity data field and an activity data counter field (column 20, lines 20-51).

Regarding claim 7, Blumenau teaches that that network is a SAN (figure 3).

Regarding claims 8, this claim is rejected for the same reasons as claim 1.

Regarding claim 10, Imamura discloses providing access to said storage media in response at least in part to a label that includes a hard attribute of said storage media and a node identifier field identifies the type of storage node (column 6, lines 7-11).

Regarding claim 11, the type field does not indicate said media is node-owned.

Regarding claim 12, the type field does not indicate said media is cluster-owned.

Regarding claim 13, Blumenau teaches that a label includes an activity data field and an activity data counter field (column 20, lines 20-51).

Regarding claims 14, this claim is rejected using the same rationale as claim 1.

Regarding claims 16 and 17, Blumenau teaches granting an access request responsive to confirmation of node/cluster ownership of said media (column 10, lines 22-34).

Regarding claims 18, this claim is rejected for substantially the same reasons as claim 1.

Regarding claim 19, Imamura does not teach that the label contains a type field that indicates said storage media is node-owned and a node identifier in said label matches a node identifier of said node.

Regarding claim 20, Imamura does not teach that the label contains a type field that indicates said storage media is cluster-owned and a cluster identifier that matches a cluster identifier of said node.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip S. Scuderi whose telephone number is (571) 272-5865. The examiner can normally be reached on Monday-Friday 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B. Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PS

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